

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
6:30 P.M.**

Monday, August 5, 2002

MINUTES

1. Call to Order

Mayor Simpson called the Meeting to order at 6:30 p.m. and announced a quorum was present.

Council present: Mayor Simpson, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso, Council member Nichols, Council member Allen, Council member West and Council member Lafata.

Staff present: City Manager George Purefoy, Interim Assistant City Manager Jason Gray, Assistant City Manager Scott Young, City Engineer Frank Jaromin, Director of Planning John Lettelleir, City Attorney Richard Abernathy City Secretary Nan Parker, and Sr. Administrative Assistant to the City Secretary Deanna Quigley.

2. Invocation

Pastor Russell Floyd, First United Methodist offered the invocation.

3. Pledge of Allegiance

The Frisco Rebels under-9 baseball team led the Pledge of Allegiance.

Mayor Simpson read a Proclamation recognizing National Night Out. In addition he recognized the Frisco Police Department and Frisco Fire Department for their participation in the Saturday, August 3, 2002 Safety Fair and for the friendly baseball game between the Police Department Staff and the Fire Department Staff.

4. Citizen Input

Harold Bacchus was present to address the council regarding the status of parking lots and completion of North County Road.

Richard Caplan was present to address the council regarding TABC sales tracking, framework for bond sales, and the IT Masterplan.

Rebecca Hensel, Delamark Technology, was present to address the council, objecting to a recent email received from a member of the Frisco City Council.

Dorothy Anderwall, Chairman of Lakes of Hillcrest at Preston Lakes HOA. She stated that she understood that Holigan had paid to build sidewalks along the east side of Hillcrest and that the money had been moved. She stated the second concern is the addition/completion of a park on Inlet and Sundeck.

Jim Joyner stated that there has been a committee formed to keep the Citizens of Frisco educated regarding the bond election. He stated that there would be more information forthcoming. He stated that anyone might contact either Audie Adkins at the Chamber of Commerce, Isabel Sems or himself.

Discussion only. No formal action was taken.

5. Reports

Planning & Development Projects Report

John Lettelleir, Director of Planning was present to answer questions from the council. Mr. Lettelleir stated the department is now called Planning and Development Department.

Engineering Services Report

City Engineer Frank Jaromin was present to answer questions from the council regarding the Engineering Services Report. Mayor Pro-Tem Reveal asked if the Spur 33 would be completed by the time school starts. Mr. Jaromin stated that it would not be completed by the time school starts. Council member West asked about the status of Coit Road. Mr. Jaromin stated that they are scheduled to have a pre-construction meeting this week.

Parks and Recreation Report

Mayor Simpson complimented the Park Department regarding the medians.

Superdome Financial Report

Nell Lange was present to address questions regarding Professional Services. Steve Walsh was also present to answer questions. He stated that the Professional Services was for the two cycling events prior to May 1, 2002. Mayor Pro-Tem Reveal asked about the amount left from the EDS Settlement Agreement. Ms. Lange stated that there is 1.7 million in the fund.

Report from Police Department regarding Vehicle Burglaries

Chief of Police was present to address the council regarding vehicle burglaries. He stated that most of the burglaries were occurring in unlocked vehicles in rear allies. He recommended that citizens' always lock their vehicle and keep their valuables out of sight.

Fiscal Year 2003 Budget Submission and proposed Budget Calendar

Nell Lange stated to the Council that they have their books regarding General Fund only. Mayor Pro-Tem Reveal asked when the budget would be on the website. Jason Gray stated that it would be on the web page tomorrow night. Ms. Lange stated there is a tentative date of August 18 for a work session on the budget. Discussion only.

Project Status Tracking Report

The Council discussed the lanes at Lebanon and Fm 423. Council member Lafata asked if the right turn lane and the signal were two separate items. Council discussed the Fisher Road - Preston Road intersection.

6. Consent Agenda

The Consent Agenda was considered for approval. Council member Allen moved to pull items A and O pulled from the agenda. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous. Council member Lafata moved to pull items E, H and N from the agenda. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous. Deputy Mayor Pro-Tem Maso moved to pull item U from the agenda; Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Mayor Pro-Tem Reveal moved to pull item K from the agenda; Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

Council member Allen moved to approve the Consent Agenda, excluding items A, E, H, K N, O and U.

A. Consider and act upon approval of minutes of the June 18, July 2, and July 16, 2002. (City Secretary)

Council member Allen moved to **table** approval of the minutes. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

B. Adoption of **Resolution No. 02-08-114R** adopting the Fiscal Year 2003 Certified Appraisal Roll and approve the certification of Anticipated Collection Rate and Excess Collections. (Tax Department)

C. Consider and accept the Effective Tax Rate Calculations for the fiscal year 2003. (Administrative Services)

D. Adoption of **Resolution No. 02-08-115R** calling for a public hearing on the City of Frisco FY03 Budget, Frisco Economic Development Corporation FY03 Budget and the Frisco Community Development Corporation FY03 Budget. (Administrative Services/City Manager)

E. Consider and Approve Amendments to the Retainer Agreement for the Associate Municipal Judge. (Administrative Services)

Council member Lafata questioned the doubling of the rates and asked about the retroactive payment of monies to January 2002.

Following consultation with the City Attorney, Council member Lafata moved to approve the agreement with retroactive payment to Judge Dickey. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

F. Adoption of **Resolution No. 02-08-116R** ratifying the purchase of Lot 4, Blk 3, Old Donation, aka Frisco Enterprise Bldg. from Robert A. Hardy, Jr. and authorize the City Manager to sign documents related thereto. (City Secretary)

G. Adoption of **Resolution No. 02-08-117R** ratifying the purchase of part of Blk 102, Lots 1A & 1B OD from Frisco Project for the Future and authorize the City Manager to sign documents related thereto. (City Secretary)

H. Adoption of Resolution No. 02-08-118R, therein approving the Settlement Agreement by and between the City of Frisco and Clear Channel Outdoor, Inc. regarding the possible removal of two signs in exchange for the right to erect a new sign and authorizing the City Manager to execute the Agreement. (City Manager/SY)

Mr. Young explained to the Council that the City would be getting rid of two billboards and replacing with one. Council member Lafata voiced concerns about the length of time. Mr. Young informed the council that the cost to condemn is very expensive. Council member Lafata moved to approve the adoption of **Resolution No. 02-08-118R** therein approving the agreement and authorizing the City Manager to sign the agreement. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

I. Approval of Grant Agreement by and between the City of Frisco and The Federal Highway Administration awarding funds supporting a project entitled "City of Frisco Hike and Bike Trail" and the adoption of **Resolution No. 02-08-119R** authorizing the City Manager to execute the Agreement. (City Manager/SY)

J. Consider and act upon payment of Invoice Number 220534 in the amount of \$32,306.03 to Geo-Marine, Inc. for completion of tasks related to the Riparian and Wetland Study. (Planning Dept.)

K. Consider and act upon award of bid number 0207-033 moving of John Sickles' home and other buildings from Lebanon Community to Frisco Heritage Park. (City Manager)

Jason Gray stated that there was not information regarding this issue in the packets due to legal review. Mayor Pro-Tem Reveal moved to approve the award the bid to Cunningham House Movers in \$67,650.00. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

L. Approval of Quarterly Investment Report. (Administrative Services)

M. Approval of payment of Application Number 9 in the amount of \$95,587.57 to Owens Commercial Construction, Inc. for construction of Fire Station 4. (Fire Department)

N. Adoption of Resolution No. 02-08-120R to support enabling legislation to utilize photographic red light enforcement and to support 2002 Red Light Week, September 7-13, 2002. (City Manager)

Chief of Police Todd Renshaw was present to answer questions from the council. Chief Renshaw stated that he understood that the city could do this independent of legislative approval. He (Renshaw) stated that they were going to lobby the legislature in 2002. Council member Lafata moved to adopt Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

O. Consider and act upon a Revision of the Interlocal Agreement by and between the City of Frisco and the Collin County Community College District revising fees for the Alumni Hall Fitness Center. (Parks and Recreation)

Council member Allen stated that he is not comfortable with this item. He felt that it is not accurately reflecting what Dr. Israel requested. Following discussion, Council member Allen moved to **table**. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

P. Approval of Tax Refunds over \$500.00. (Tax Department)

Q. Approval of Payment of Invoice 1480858 in the amount of \$16,591.42 to Carter-Burgess, Inc. for Program Development, Base Mapping and Preliminary Design Concepts for McKinney Road Park. (Parks Department)

R. Approval of Payment of Invoice 1437831 in the amount of \$983.42 to Carter-Burgess, Inc. for Construction Administration for Warren Sports Complex Phase 4 during March 2002. (Parks and Recreation)

S. Approval of Payment of Invoice 1456425 in the amount of \$441.77 to Carter-Burgess, Inc. for bidding on the completion of the Youth Center Park during April 2002. (Parks and Recreation)

T. Approval of Payment of Invoice 1480854 in the amount of \$5,814.80 to Carter-Burgess, Inc. for Program Development, Site Evaluation and Concept Alternatives for the completion of Southeast Community Park Master Plan performed during May 2002. (Parks and Recreation)

U. Approval of Payment of Invoice 140001 in the amount of \$3,691.52 to Newman, Jackson, Bieberstein Landscape Architecture for The Trails of Frisco Neighborhood Park for the period of April 20 through June 21, 2002. (Parks and Recreation)

Richard Caplan was present to address the council regarding concerns that the park had not been started by the July 1, 2002 date per the contract. Scott Young stated that they have been working on the preliminary design phase, schematic in nature, and they are not complete.

Council member Allen moved to approve the pay estimate and requested a status update in two weeks. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

V. Award of bid number 0207-028 from Durable Specialties in the amount of \$73,520.00 for the installation of a traffic signal at the intersection of FM 423 and Lebanon Road. (Engineering).

- W. Approval of payment of Pay Estimate Number 3 in the amount of \$21,214.44 to R-Con, Inc. for contract work on Lebanon/Legacy PRV. (Engineering)
- X. Approval of payment of Pay Estimate Number 5 in the amount of \$14,047.99 to John Burns Construction for contract work on Cottonwood Branch Sewer. (Engineering)
- Y. Approval of payment of Invoice Number 1510 in the amount of \$645.00 to QTE Group, Inc. for contract work on Frisco Square. (Engineering)
- Z. Approval of payment of Pay Estimate Numbers 13 and 14 totaling in the cumulative amount of \$132,710.09 to Glenn Thurman, Inc. for contract work on Hillcrest Road. (Engineering)
- AA. Approval of Professional Services Payment, Invoice Number 001443 in the amount of \$18,187.13 for Design of the Senior Center, payable to F&S Partners. (Parks and Recreation)
- BB. Approval of Professional Services Payment, Invoice 10010133 in the amount of \$14,570.00 for the Preston Road Implementation Plan Phase 1, to PGAL. (Parks and Recreation)
- CC. Adoption of **Resolution No. 02-08-121R** authorizing the City Manager to sign a grant acceptance to be submitted by the Frisco Public Library to the Texas State Library and Archives Commission requesting assistance to expand services to Frisco Senior Adults. (Library)
- DD. Adoption of **Resolution No. 02-08-122R** authorizing the City Manager to execute an Agreement between the City of Frisco and Wier & Associates, Inc. for Engineering and Design Surveying Services for the preparation of Texas "U" Turns along Dallas North Tollway, Phase III. (Engineering)
- EE. Adoption of **Resolution No. 02-08-123R** authorizing the City Manager to execute an Agreement between the City of Frisco and Parsons Transportation Group, Inc. for On-Call Professional Transportation Engineering Services. (Engineering)
- FF. Adoption of a **Resolution No. 02-08-124R** authorizing the City Manager to execute an Agreement between the City of Frisco and Parsons Transportation Group, Inc. for Preliminary Engineering and Final Design of widening of the intersection of FM 3537 at Custer Road. (Engineering)
- GG. Approval of payment to EDAW, Inc. in the amount of \$1,230.45 for Professional Services through January 25, 2002 and Reimbursable Expenses from November 17, 2001 through January 18, 2002 for Frisco Square Management District. (City Manager/SY)

HH. Adoption of **Ordinance No. 02-08-81** amending Ordinance 02-02-23 to include language from repealed Ordinance 01-06-46 Moved Buildings Section 12. (Building Inspections)

END OF CONSENT AGENDA

7. Legislative Agenda

The Legislative Agenda was considered for approval. Mayor Pro-Tem Reveal moved to pull Item D for separate discussion. Council member West seconded the motion.

Mayor Pro-Tem Reveal moved to approve the Legislative Agenda, excluding Item 7D. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

A. Site Plan, Final Plat & Revised Conveyance Plat: Cobb Business Park Addition, Block B, Lot 1 (Sand Castle Private School), A day care on three lots on 27.8± acres on the northwest corner of North County Road and Dena Drive. Zoned Planned Development-97-Commercial-2 with Specific Use Permit-122 for a Day Care. Neighborhood #11. Applicant(s): Sand Castle Private School (Planning)

B. Preliminary Site Plan & Revised Conveyance Plat: Frisco Corners, Block 1, Lots 3R, 4R, 5R, 6R, 7 – 16, and 18R; and Block 2, Lots 2R, 3, and 4R, A retail center on 21 lots on 71.3± acres at the southwest corner of Preston Road and Lebanon Road. Zoned Commercial – 1. Neighborhood #30. Applicant(s): Duggan Realty (Planning)

C. Site Plan & Final Plat: Legendary Self-Storage Addition, Block 1, Lot 1, A mini-warehouse facility on one lot on 4.3± acres on the south side of Stockard Drive 270± feet east of Legendary Drive. Zoned Commercial – 1 with Specific Use Permit - 116 for a Self-Storage/Mini-Storage Facility. Neighborhood #30. Applicant(s): Duggan Realty & Legendary Self Storage LLC (Planning)

D. Revised Preliminary Plat: Tuscany Meadows, 152 Single Family-5 lots on 46.0± acres on the northwest corner of Hillcrest Road and Jereme Trail. Zoned Multifamily-2 and Retail. Requested zoning for the Retail portion of the property is Single Family-5. Neighborhood #24. Applicant(s): Legacy Homes (Planning)

Director of Planning and Development John Lettelleir was present to answer questions from the council. Mayor Pro-Tem Reveal stated that she had concerns regarding approval of the plat contingent upon zoning. She stated that another concern was the Jereme Trail alignment. Staff report did not support an offset of Jereme Trail. Council member Nichols also voiced concerns regarding the alignment of Jereme Trail. Mayor Pro-Tem Reveal moved to **deny** the preliminary plat based on previous zoning and, concerns about Jereme Trail becoming a through street. Council member West seconded the motion. Voting for the motion: Council member Nichols, Council member West and Mayor Pro-Tem Reveal. Voting against the motion: Council member Allen, Deputy Mayor Pro-Tem Maso and Council member Lafata and Mayor Simpson. Motion failed. Vote: 3-4.

Council member Lafata moved to accept the Preliminary Plat striking the reference of Ohio Drive. Deputy Mayor Pro-Tem Maso seconded the motion. Voting for the motion: Deputy Mayor Pro-Tem Maso and Council member Lafata. Voting against the motion: Council member Allen, Council member Nichols, Mayor Pro-Tem Reveal, and Council member West. Motion failed. 2-4.

Marty Brown, representing the applicant, was present to address the council requesting their approval of the revised preliminary plat. Mr. Brown stated that they have already put the infrastructure/utilities into the ground. He stated that he has an approved city stamped set of plans. He voiced concerns that they are going around in circles and are not getting anywhere. Mr. Brown stated that it makes sense to have a controlled intersection.

Council member Nichols stated that he would like to have a report to show that the offset does not deter traffic.

Following lengthy discussion, Council member Allen moved to **defer** a decision until the August 20, 2002 Meeting. Council member Nichols seconded the motion. Voting for the motion: Council member Allen, Council member Nichols, Deputy Mayor Pro-Tem Maso and Council

member Lafata. Voting against the motion: Mayor Pro-Tem Reveal and Council member West. Motion carried. 4-2.

E. Site Plan & Final Plat: Mathesa Addition, Block A, Lot 1 (JC Professional Building), An office building on one lot on 4.8± acres on the west side of Preston Road, 460± feet north of Wade Boulevard. Zoned Office-2. Neighborhood #23. Applicant(s): JC Development (Planning)

F. Final Plat: Panther Creek Estates, Phase III, 30 Cluster Home lots, 118 Patio Home lots, two Single Family-5 lots, and one open space lot on 38.0± acres 1,400± feet north of Eldorado Parkway and 460± feet east of Hillcrest Road. Zoned Planned Development-2-Residential Village. Neighborhood #8. Applicant(s): Panther Creek Ventures, Ltd. (Planning)

G. Preliminary Site Plan, Site Plan, Final Plat, & Conveyance Plat: Northstar Business Park, Block 1, Lots 2, 3, and 4 Six office/warehouse buildings on three lots on 19.2± acres on the northeast corner of Frisco Street and Enterprise Drive. Zoned Commercial-2. Neighborhood #46. Applicant(s): Connell Development Co. (Planning)

H. Final Plat: Grayhawk – Phase IX, 64 Single Family-5 lots on 20.4± acres on the north side of West Talon Drive 200± feet west of Grayhawk Boulevard. Zoned Planned Development-157/Single Family-5. Neighborhood #49. Applicant(s): Eldorado Ranch, Ltd. & Corwin Engineering, Inc. (Planning)

I. Site Plan & Final Plat/Revised Conveyance Plat: Warren/Legacy Addition, Block A, Lots 1 – 4, A dry cleaner and retail building on four lots on 12.2± acres on the northeast corner of Warren Parkway and Legacy Drive. Zoned Planned Development-33-Business Center. Neighborhood #31. Applicant(s): Warren Legacy, L.P. and KWIK Industries, Inc. (Planning)

J. Final Plat: Stonelake West, 233 Single-Family-5 lots on 62.3± acres along the north side of Eldorado Parkway, 1,400± feet east of Independence Parkway. Zoned Planned Development-4-Single-Family-5. Neighborhood #6. Applicant(s): Shaddock Developers, LTD. (Planning)

K. Concept Plan, Preliminary Site Plan, and Conveyance Plat: Mathesa Addition, Phase II, Block A, Lots 1-4, and Block B, Lots 1-5 (Preston Wade Storage), A retail building, a self-storage/mini-warehouse building, and seven commercial lots on 32.0± acres on the southwest corner of Wade Boulevard and Preston Road. Zoned Commercial-2 and Industrial.

Neighborhood #23. Applicant(s): Sanford Properties and Mathesa I Ltd. (Planning)

L. Adoption of **Ordinance No. 02-08-82** of the City of Frisco, Texas, amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; rezoning a tract of land consisting of 6.78 acres from Agricultural (A) to Office-2 (O-2) (Z2001-0022) (Planning)

M. Adoption of **Ordinance No. 02-08-83** of the City of Frisco, Texas, amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; rezoning a tract of land consisting of 66.2065 acres from Agricultural (A) to Planned Development-Retail (PD-R) (Z2002-0009) (Planning)

N. Adoption of **Ordinance No. 02-08-84** amending a portion of the Frisco Millennium Plan ("Comprehensive Plan") Ordinance No. 00-04-07 amends the Thoroughfare Plan by modifying the alignment of future Legacy Drive between Eldorado Parkway and U.S. Highway 380. (CA2002-0002) (Planning)

O. Adoption of **Ordinance No 02-08-85** providing for the voluntary annexation of 14.2 ± acres situated in MEP & PR Co. Survey, Abstract No. 920, and Denton County, Texas. (Case A2002-24) (City Secretary)

END OF LEGISLATIVE AGENDA

9. Public Hearing - Replat: Starwood Phase 4, Village 15, Block A, Lot 1, One Single-Family lot on 0.5± acre on the west side of Burkett Drive at Stone Canyon Drive. Zoned Planned Development-106-Single-Family. Neighborhood #22. Applicant(s): Blue Star Land L.P. - (Planning)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

There being no one present to address the council, Council member West moved to close the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Mayor Pro-Tem Reveal to approve the replat. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

10. Public Hearing - Replat: Starwood Phase 4, Village 15, Block C, Lot 23, One Single-Family lot on 0.5± acre on the northeast corner of South Texas Drive and Lago Vista Lane. Zoned Planned Development-106-Single-Family. Neighborhood #22. Applicant(s): Blue Star Land L.P. (Planning)

Mayor Pro-Tem Reveal moved to open the public hearing. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

There being no one else present to address the council, Deputy Mayor Pro-Tem Maso moved to close the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Mayor Pro-Tem Reveal moved to approve. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

11. Public Hearing - Replat: Starwood Phase 4, Village 18, Block J, Lots 27 and 28, Two Patio Home lots on 1.1± acres on the east side of Oak Knoll Lane, 300± feet north of Lockwood Lane. Zoned Planned Development-106-Single-Family. Neighborhood #22. Applicant(s): Blue Star Land L.P. (Planning)

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations. Mr. Lettelleir stated that the applicant has informed him of two trees that the architect committee is trying to preserve. He stated that there is one tree that is dying because it was struck by lightning. He stated that there is one tree that will be preserved.

Council member West moved to open the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

There being no one present to address the council, Mayor Pro-Tem Reveal moved to close the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Mayor Pro-Tem Reveal moved to **deny** the request. Council member Nichols seconded the motion. Motion carried. Voting for: Council member Nichols, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso and Council member West. 4-1. Voting against: Council member Allen.

(Council member Lafata stepped out of the room during this item, not due to conflict of interest).

12. Public Hearing: Specific Use Permit SUP2002-0012, A request for a Specific Use Permit for a Child Day Care Center on 6.0± acres on the south side of Hickory Street, 360± feet east of Fifth Street. Zoned Single Family-5 with S-50 for an antenna. Neighborhood #20. Applicant(s): Frisco Independent School District. (Planning)

Council member West moved to open the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Richard Wilkerson, Frisco ISD, was present to address questions from the council.

Mayor Pro-Tem Reveal moved to close the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Mayor Pro-Tem Reveal moved to approve the request. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

13. Adopted Ordinance No. 02-08-86 amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; granting a Specific Use Permit for a Child Day Care Center on the south side of Hickory Street, 360± feet east of Fifth Street. (SUP01-0012). (Planning)

Council member Allen moved to adopt Ordinance No. 02-08-86 therein granting a Specific Use Permit for a Child Day Care Center on the south side of Hickory Street, 360 ± feet east of Fifth Street.

Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

14. Public Hearing: Replat & Revised Site Plan: Frisco Church of Christ Addition, Block A Lot 1, A church on one lot on 1.5+ acres on the northwest corner of Main Street and Dr. Pink Drive. Zoned Single Family-5 with S-73 for a Church. Neighborhood #11. Applicant(s): Frisco Church of Christ. (Planning)

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

Mayor Pro-Tem Reveal moved to open the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Harold Bacchus was present to address the council speaking in favor of the request.

There being no one present to address the council, Mayor Pro-Tem Reveal moved to close the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Council member Allen moved to approve. Council member West seconded the motion. Motion carried. Vote: unanimous.

15. Public Hearing: Specific Use Permit SUP2002-0009, A request for a Specific Use Permit for a Utility Distribution facility (electric substation) on one lot on 3.6± acres on the south side of C.R. 710, 2,070± feet east of the

**future Dallas North Tollway. Zoned Agricultural. Neighborhood #47.
Applicant(s): Brazos Electric Co-Op, Inc. (Planning)**

Director of Planning John Lettelleir updated the Council on the staff's and the Planning and Zoning's recommendations.

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Representative of the applicant was present to address the council.

There being no one present to address the council, Mayor Pro-Tem Reveal moved to close the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Council member Allen moved to approve the request subject to staff recommendations regarding wall regulations. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

**16. Public Hearing: Zoning Case Z2002-0020, A request to amend the Comprehensive Zoning Ordinance to establish Downtown Architectural Design Standards which include, but are not limited to, architectural forms, building materials, color, landscaping and screening requirements for the Original Town Commercial and Original Town Residential districts.
Applicant(s): City of Frisco (Planning)**

Trent Cantrell, City Planner, was present to address the council regarding the need to establish Downtown Architectural Design Standards.

Deputy Mayor Pro-Tem Maso moved to open the public hearing for Items 16 and 17. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Bill Graves, 7080 Main Street, stated that he served on the committee. He commended the consultant and the staff for a job well done.

Ector Arguello asked how these changes would affect the residents of the Old Donation. Mr. Cantrell explained that the residents can use the existing materials to make additions to their home. He was told that he could leave his home as it is.

Harold Bacchus asked if he could use the same product he has on his building with the existing materials if something should happen to his current building. Mr. Bacchus asked for a copy of the amendments. Staff stated they would furnish the amendments. Mr. Jeffrey Witt informed the council that appeals can be brought back to the City Council.

David Cooney was present to speak in favor of the architectural designs. He stated that he had not been aware of the amendments. He stated that there

were some individuals that live on the Oak Street expansion that had not been invited to participate in the planning of the architectural designs. He stated that he did support the designs but he asked that the council defer any action until comments may be heard from the residents of Oak Street, east of North County.

Clyde Kerley was present to speak against the architectural designs regarding the residential area since he had not had the opportunity to review the designs nor the amendments.

Ramero Lopez, speaking for his mother, stated that he is presently remodeling his mother's home. He voiced concerns that the architectural design standards would not allow his mother to rebuild her home.

Tony Felker was present to address the council regarding residents and occupants in the Old Donation area that they must rebuild residential and/or commercial buildings with the new standards. He also voiced concerns that if a residents' home was destroyed by fire, tornado or other natural disaster that they may not be able to rebuild their home.

Mayor Pro-Tem Reveal moved to close the public hearings on Items 16 and 17. Council member West seconded the motion. Motion carried. Vote: unanimous.

Council member West moved to **table** to the next meeting. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

17. Public Hearing: Zoning Case ZA2002-0017, A request to amend the Comprehensive Zoning Ordinance to modify the exterior construction material requirements in the Original Town Commercial and Original Town Residential districts. Applicant(s): City of Frisco (Planning)

Council member Lafata moved to **table** the item until August 20, 2002. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

18. Consider and act upon adoption of an Ordinance of the City of Frisco, Texas, amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01, Article II, Section 4 (Definitions) and Article III, Section 1 (Residential Districts). Building Heights (ZA2002-0018). Tabled 7/16/02. (Planning)

Mayor Pro-Tem Reveal moved to **remove the item from table**. Council member West seconded the motion. Motion carried. Vote: unanimous.

Council member Lafata moved to adopt **Ordinance No. 02-08-87** therein amending the Comprehensive Zoning Ordinance No. 00-11-01, Article II, Section 4 (Definitions) and Article III, Section 1 (Residential Districts) Building Heights. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

19. Consider and act on the determination of adequate consideration for conversion of the public streets within the Chase at Stonebriar to private streets. (Planning)

Discussion regarding the determination of adequate consideration for conversion of the public streets within the Chase of Stonebriar to private streets. Michael Osuna was present to address the council requesting that council leave the streets as public streets.

City Council accepted the applicants proposal for converting the public rights-of-way within this subdivision to a private street development. The conditions of approval are:

1. The applicant makes a \$12,200.00 cash contribution to the City's general public art program; and
2. Pay any and all expenses associated with the transfer of ownership.

Council member Lafata moved to accept the 2% and all accumulated costs. Deputy Mayor Pro-Tem Maso seconded the motion.

Voting for: Council member Allen, Deputy Mayor Pro-Tem Maso and Council member Lafata.

Voting against: Council member Nichols, Mayor Pro-Tem Reveal and Council member West. Mayor Simpson broke the tie voting for. Motion carried.

Vote: 4-3.

20. Discuss and give direction to staff on the potential amendment of the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance regarding gated communities. (Planning)

Director of Planning John Lettelleir was present to address the council regarding potential amendment of the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance regarding gated communities. Mr. Lettelleir reviewed the report prepared by the Planning & Development Department regarding criteria for gated communities.

Mr. Lettelleir stated that there were no changes in the criteria as previously adopted. The memo gave the history of the development of the criteria for gated communities.

Michael Osuna was present to address the council. Mr. Osuna stated that there is a message being sent that the only safe place to live is a gated community.

John Lettelleir stated that he understood the council would like to see gated communities spread into more areas of the city rather than concentrated in one area of the city.

Discussion only, no formal action was taken.

21. Discuss and give direction to staff on Planning & Development Department major projects. (Planning)

Council member West moved to **table** the item. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

22. Discuss and give staff direction on the proposed relocation of the billboard sign on the southwest corner Preston Road and Preston Vineyard Drive. (Planning)

Director of Planning John Lettelleir stated that the applicant had met with Mr. Purefoy regarding the relocation of the billboard on the southwest corner of Preston Road and Preston Vineyard Drive. Craig Curry representing Jim Williams was present to address the council regarding the relocation of the billboard.

City Council approved the relocation of this billboard to the north along Preston Road as requested by Mr. Jim Williams with the following conditions:

1. Amortization of the new billboard at 10 years.
2. Lighted message display for the use by Frisco Independent School District and the City.
3. Incorporation of public art on the pole.
4. Preservation of the creek area.

23. Consider and act upon appointment of individual to fill vacancy on the Board of Adjustment (Kenneth Mills, Place No. 5 expiring in 2003). (City Secretary)

Council member Nichols moved to accept the Mr. Mills' letter of resignation from Council member West seconded the motion. Motion carried. Vote: unanimous.

Fred Lusk, Chairman, was present to address the council requesting that they have three alternates on the Board of Adjustment.

Council member Allen nominated Ric Nelson to fill the remainder of the term created by Mr. Mills' resignation. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous. Mr. Nelson was appointed by acclamation.

24. Consider and act upon appointment of individual(s) to fill vacancy alternate position(s) on the Board of Adjustment and any matters incident thereto. (City Secretary)

Council member Allen nominated John Hoxie to fill the Alternate No. 1 Position. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

Mayor Pro-Tem Reveal nominated Daryl Pratt to fill the Alternate No. 2 Position. Council member West seconded the motion. Motion carried. Vote: unanimous.

Nominated by acclamation.

25. Consider and act upon appointment of individuals for the Urban Forestry Board (5 positions) (City Secretary)

Mayor Pro-Tem Reveal nominated Marlynn Osuna, Klay Beaver, Terry Smith and Mike Zapata, leaving one position vacant. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous. They are to draw straws for their staggered terms.

26. Consider and act upon appointment of individuals to the Library Board (2 positions). (City Secretary)

Council member Allen nominated Bob Chambers. Council member West nominated Joy Seifert.

Council member Allen moved that nominations cease. Bob Chambers and Joy Seifert were appointed by acclamation.

27. Public Hearing: Consider and act upon a request to close Alexandria Drive where it intersects with Hillcrest Road. Applicant: City of Frisco (Engineering) Consider and Adopt Resolution No. 02-08-125R supporting the request. (Engineering)

City Engineer Frank Jaromin was present to address the council regarding closure of Alexandria Drive and the intersection of Hillcrest Road.

Mayor Pro-Tem Reveal moved to open the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Michael Osuna was present to address the council requesting that if landscaping is to be used, please use native shrubs.

Council member Lafata moved to close the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Council member Lafata complimented staff on the plans being well drawn.

Council member Allen moved to approve the closure of Alexandria where it intersects with Hillcrest. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

28. Public Hearing: Consider and act upon a request to abandon two (2) sixteen foot (16') easement.

- a. being out of the Williams Hemphill Survey, Abstract No, 449 in the City of McKinney. Applicant: Courtesy Dealership Properties, Inc. (Engineering). **Adopt Ordinance No. 02-08-88.** (Engineering)
- b. being out of the E.D. McCoy Survey, Abstract No. 577, in the City of McKinney. Applicant: Courtesy Dealership Properties, Inc. (Engineering). **Adopt Ordinance No. 02-08-89** (Engineering)

Deputy Mayor Pro-Tem Maso moved to open the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Mac McCloud was present to speak for the request.

Council member Lafata moved to close the public hearing. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Allen moved to adopt **Ordinance No. 02-08-88** therein abandoning the easements as requested. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

29. Adopt Resolution 02-08-126R authorizing the City Manager to execute an Agreement between the City of Frisco and Tipton Engineering, Inc. for Engineering Services for the preparation of construction plans for Preston Trace and Sunset Drive. (Engineering)

City Engineer Frank Jaromin was present to address the Council regarding

Mayor Pro-Tem Reveal moved to adopt Resolution 02-08-126R, therein authorizing the City Manager to execute an Agreement between the City of Frisco and Tipton Engineering, Inc. for Engineering Services for the preparation of construction plans for Preston Trace and Sunset Drive. (Engineering)

Council member West seconded the motion. Motion carried. Vote: unanimous.

30. Adopt Resolution 02-08-127R authorizing the City Manager to enter into an Agreement for Professional Services by and between the City of Frisco

and Murphy Productions for a Feasibility Study of converting the Superdome to a Skatepark in the amount of \$22,500.00. (Superdome)

Steve Walsh was present to address the Council regarding the meetings that have transpired since December 2001.

Michael Osuna was present to address the Council regarding the decision to make certain that the Superdome is actually a “dead issue” prior to signing a feasibility study for the conversion of the Superdome.

Following discussion, Mayor Pro-Tem Reveal moved to **table** until the first meeting in September. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

31. Discussion of information to be provided for the bond election projects. (Tracie Reveal, Mayor Pro Tem)

Mayor Pro-Tem Reveal asked about the communication plan for educating the public for the bond election projects, whether they be for, or against the projects.

Jim Joyner stated that there is a SPAC that has been created that will have a final package of the bond election projects to be presented to citizens during the National Night Out. Mr. Joyner stated they have created a website to be up and running the first of next week; the first market wide distribution of the flyer will be in the Frisco Enterprise on Saturday; creating posters for various businesses; yard signs and larger poster signs to be placed strategically around the city. The SPAC has filed documentation with the City Secretary.

32. Governance Agenda

a. Monthly Governance Monitoring Reports

Discussion only, no formal action was taken.

33. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code

Mayor Pro-Tem Reveal moved to recess into Closed Session at 10:00 p.m. Council member West seconded the motion. Motion carried. Vote: unanimous.

- a. Section 551.086. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.

b. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:

i. South of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289.

c. Section 555.071. Consultation with attorney concerning pending litigation in Cause No. 366-891-02; Steve Nichols, et al. vs. Kathy A. Seei; In the 366th Judicial District Court of Collin County, Texas.

d. Section 551.074. To deliberate the appointment of an employee to head new department in the city.

e. Section 551.074. Evaluation of City Manager.

34. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Mayor Pro-Tem Reveal moved to reconvene into open session at 10:40 p.m. Council member West seconded the motion. Motion carried. Vote: unanimous.

35. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

City Manager Purefoy stated that they have a list of actions required by City Staff as a result of any item on tonight's agenda and that the staff will send the list to the council.

36. Discussion on Governance Monitoring of present City Council Meeting.

Discussion only, no formal action was taken.

37. Adjourn.

There being no additional business, the meeting was adjourned at 12:45 a.m.

E. Michael Simpson, Mayor

ATTEST:

Nan Parker, City Secretary